

## REMARKS

Submitted herewith is a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address signed and dated by the inventor.

A substitute specification in proper idiomatic English is being submitted herewith together with a copy of the original marked-up specification showing the editorial changes made thereto. No new matter has been added. Please replace the original specification with the attached Substitute Specification.

The Examiner's objections to the drawings have been noted. It is the Applicant's intention to provide color photographs as suggested by the Examiner in the middle of page 2 of the Examiner's Office Action letter. Such color photographs will be filed supplemental to the filing of the present Amendment.

Claims 1-5 have been rejected by the Examiner under 35 USC 112 for the reasons set forth at the bottom of page 3 to the top of page 5 of the Examiner's Office Action letter. As the Examiner will note, the claims have been amended to define (1) a method of pelletizing plant seed defined in claims 1 and 2; (2) a pellet containing a plant seed prepared by the method of claims 1 and 2 as defined in claim 3 of the present application and a method of plant cultivation as recited in newly added claims 6 and 7 of the present application. If the newly presented claims raise an issue of multiple inventions, the Applicant provisionally elects to prosecute the method of cultivation as defined in claims 6 and 7 of the present application.

Claims 1-5 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by, or in the alternative under 35 USC 103(a) as being obvious over Melvold, U.S. Patent 3,883,989. This rejection is respectfully traversed.

The present invention is directed to a pellet of plant seed, to a method of pelletizing plant seed and to a method of cultivating plant seed. Thus, according to the present invention,

fertilizer, plant growth regulators, bacteriacide and insecticide are mixed with peatmoss and a water-soluble glue and the mixture thereof is dried to a water content of 15-25% by weight. A hole is provided in the dry mixture into which a plant seed is inserted and the mixture is pressed and sealed to obtain a pellet with a plant seed disposed therein. Because of the nature of the pellet which contains peatmoss, the pellets can be sowed on the surface of the soil without covering the pellets with soil since the peatmoss in the pellets functions as a ground covering.

Melvold '989 is directed to an expandable shape-retaining peatmoss briquettes and a method for their production. It is believed that Melvold '989 suffers from a number of deficiencies when compared to the method of the present invention. First of all, the patentee is concerned with the manufacture of plant wafers 10 containing recesses 12 for receiving young plants 13 or in some cases seed material S. Thus, there is no suggestion in the reference of the desirability of pelletizing plant seeds which, by definition, facilitates the distribution of the plant seed during the planting process, whether or not the planting is conducted beneath the surface of the ground or on the surface of the ground as defined by claim 6 of the present application. Thus, as can be seen by referring to Figs. 1 and 2 of Melvold '989, the patentee does not contemplate and, in fact, it would not be possible to plant the plant wafers 10 in the ground and, in fact, the plant wafers are intended to be a substitute for the soil cultivation of plants or seeds such that the plant wafers themselves are intended to provide the nutrients for the plants or seeds. In another distinction between the present invention and Melvold '989, the patentee utilizes a mixture of expanded peatmoss intermixed with an aqueous bituminous emulsion as a soil substitute for growing plants and it is important that the aqueous bituminous emulsion is mixed with the peatmoss in critical proportions of peatmoss to bitumen in order to achieve the patentee's objectives. This is to be distinguished from the present invention wherein bitumen does not form part of the present invention most probably because the Applicant does not have to rely upon the presence of bitumen for its intended purpose in the invention of Melvold '989. Thus, in Melvold '989 the bitumen is used as a binder for the peatmoss whereas in the present invention a water-soluble glue is utilized to facilitate a mixture of peatmoss with fertilizers and other plant nutrients.

During the pelletization process, water is added and this water is absorbed into the seeds which facilitates germination of the seeds. However, in the course of processing the pellets for storage, the pellets are dried which produces a psychological impediment to germination. Therefore, in the pelletization process using peatmoss, the removal of excess water is an important factor and consideration in the pelletization process. In this connection it should be noted that the claims of the present application reflect the desirability of controlling the moisture content of the mixture of fertilizer, plant growth regulator, insecticide, peatmoss, water-soluble glue, and the like to an amount of 15-25% by weight in order to avoid premature germination. This is to be compared with the moisture content disclosed in Melvold '989 wherein the typical moisture content of standard commercial peatmoss which is utilized therein falls within the range of 25-50% by weight. Here again, the difference in water content of the prior art when compared to the present invention reflects the differences between the respective inventions wherein Melvold '989 is concerned with the formation of plant wafers whereas the present invention is directed to the formation of pellets for housing plant seeds.

For the Examiner's perusal, attached to the present Amendment is a "Technical Comparison Table" wherein one definition of the present invention is compared directly with the teachings of Melvold '989. As can be readily understood from the remarks provided hereinabove and those presented in the Technical Comparison Table, Melvold '989 is directed to an invention which does not even remotely contemplate the Applicant's inventive contribution for the reasons set forth hereinabove.

Accordingly, in view of the above amendments and remarks reconsideration of the rejections and objections and allowance of all of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463

Application No. 10/532,642  
Amendment dated May 15, 2007  
Reply to Office Action of November 16, 2006

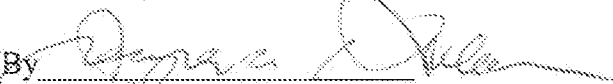
Docket No.: 3884-0138PUS1

at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: May 16, 2007

Respectfully submitted,

By 

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